

JOE WARDY  
MAYOR



## CITY COUNCIL

SUSAN AUSTIN  
DISTRICT NO. 1

ROBERT A. CUSHING, JR.  
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO  
DISTRICT NO. 3

JOHN F. COOK  
DISTRICT NO. 4

DANIEL S. POWER  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

VIVIAN ROJAS  
DISTRICT NO. 7

ANTHONY W. COBOS  
DISTRICT NO. 8

REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
MAY 25, 2004  
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, John F. Cook, Daniel S. Power, Vivian Rojas and Anthony W. Cobos. Late Arrivals: Robert A. Cushing, Jr. arrived at 9:09 a.m., Jose Alexandro Lozano arrived at 9:20 a.m. and Paul J. Escobar arrived at 9:14 a.m. Absent: None. Meeting was called to order and the invocation was given by Pastor Robert Hooks, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

1. ***Mental Health Month***
2. ***National Senior Health and Fitness Day***
3. ***Temple Mount Sinai Mitzvah Volunteer Effort Day***

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to recess the City Council Meeting to discuss the Mass Transit Board Meeting at 9:21 a.m.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to reconvene to City Council Meeting from Mass Transit Board Meeting at 9:37 a.m.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.

(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

Representatives Power and Rojas were not present for the vote.

\*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meetings of March 11, 2003 and May 18, 2004; Special City Council Meeting of May 17, 2004 and Legislative Review Committee of the Whole Meeting of May 17, 2004.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

## **R E S O L U T I O N**

**WHEREAS**, on February 7, 2004, the citizens of El Paso approved Proposition No. 3 as identified on the Bond Obligation Election ballot and as described in Ordinance No. 15611; and

**WHEREAS**, Proposition No. 3 identifies the issuance of general obligation bonds for permanent public improvements including pedestrian ways and also included a specific project name "Open Space Enhancements", which is identified as "Grading and xeriscaping of City open areas and public rights-of-way; and

**WHEREAS**, Section 19.04.040, Definition, of the El Paso Municipal Code, defines "Open Space" as an area that is intended to provide light and air and is designed for either scenic or recreational purposes, and may include, but is not limited to, lawns, decorative planting, desert areas, foothills, walkways, active and passive recreation areas; and

**WHEREAS**, Section 19.04.040, Definition, of the El Paso Municipal Code, defines "Pedestrian way" as a "specifically designated place, means or way by which pedestrians shall be provided safe, adequate and usable circulation through the interior of a property or development, and outside any portion of an accessway"; and

**WHEREAS**, the City of El Paso retains ownership within Blocks 55, 56, 66, and the South 145 Feet of Block 67 Morningside Heights Addition, according to the plat thereof on record in Volume 11, Page 33, Plat Records of El Paso County, Texas, and

**WHEREAS**, it is proposed that this identified City property be improved with pedestrian paths, benches, a lighted flagpole, perpetual flame, trash receptacles, canopies, irrigation system, landscaping, trees, planters and sidewalks, and developed as an area to accommodate the placement of donated military equipment as exhibits for public viewing; and

**WHEREAS**, Proposition No. 3 requires the City Council to approve the priorities and locations of areas to be improved with the bond monies for the "Open Space Enhancements" project; and

**WHEREAS**, City Council has reviewed the project scope for a proposed project identified as "Pollard Street Pedestrian Way", a copy of which is attached hereto as Exhibit "A" (Exhibit "A" on file in the City Clerk's Office),

### **NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That the El Paso City Council designates the City owned property bounded by the perimeter of Blocks 55, 56, 66, and the South 145 Feet of Block 67 Morningside Heights Addition, according to the plat thereof on record in Volume 11, Page 33, Plat Records of El Paso County, Texas, as a "Pedestrian way" and an "Open space" as defined by Section 19.04.040, Definition, of the El Paso Municipal Code, and
2. That the El Paso City Council approves this location as a proposed "Open Space Enhancement" project as required by Proposition No. 3 of the Feb. 7, 2004 General Obligation Bond Election.

Mr. Matt Watson, Assistant City Attorney, read the revision to the resolution language into the record.

Motion made by Representative Cushing, seconded by Representative Cook and unanimously carried to approve the above resolution as revised.

NOTE: Resolution was revised.

## **\*RESOLUTION**

### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and the following individuals to teach art classes and/or adult studio classes at the Museum of Art from June 1, 2004 through August 31, 2004 at an hourly rate of \$20.00.

1. **CLARK J. ALDRIDGE**, instruct the "Toon Time and Zoorific" class, not to exceed 24 hours per week.
2. **WENDY BURTZ**, instruct the "Mudslingers, Clay and Papermaking" class, not to exceed 24 hours per week.
3. **MARY JANE CAHALAN**, instruct the "Family Workshop" and backup instructor for June Camps, not to exceed 24 hours per week.
4. **JONATHAN J. FAFLIK**, instruct the "Abstract Drawing Bootcamp", not to exceed 24 hours per week.
5. **RONALD P. FRITSCH**, instruct the "Joy of Watercolor: Beginning Watercolor for Adults" and "Learning to See: Beginning Acrylic for Adults" classes, not to exceed 6 hours per week.
6. **MARTHA A. GARCIA**, instruct the "Adult Wheel Throwing" class and backup instructor for the "Mudslingers" class, not to exceed 15 hours per week.
7. **DAVID P. HERRERA**, instruct the "Family Workshop" class, not to exceed 12 hours per week.
8. **ROSIE C. JONES**, instruct the "Weaving Wonders" class, not to exceed 12 hours per week.
9. **SUSAN R. LIGHT**, instruct the "Painting with the Masters, Puppets, Masks & More," "Pastel Party" and "Family Collage Workshop" classes, not to exceed 24 hours per week.
10. **MARIE B. LIVINGSTON**, instruct the "Clay and Papermaking," Clay and Papermaking TOTS," "Clay Camp," and "Pee Wee's Clay house" classes, not to exceed 24 hours per week.
11. **DEBBY MORALES**, instruct the "Zoorific, Down & Dirty with Art" and "Pastel Party" classes, not to exceed 24 hours per week.
12. **JUAN A. MURO**, instruct the "Family Cartooning Workshop" and backup instructor for the "Toon Time" class, not to exceed 12 hours per week.
13. **MARY O'BRIEN LONG**, backup instructor for "Intro to Jewelry Making" class and "Family Workshop," not to exceed 12 hours per week.
14. **AMANDA RETA-CABEZUT**, instruct the "Principles of Creativity," and "Adult Theory of Creativity and Decision Making" classes, not to exceed 12 hours per week.
15. **DAWN PEPPAS**, instruct the "Multimedia Madness" class, "Art of Storytelling" class, "Printmaking Basics" class, and backup instructor for various camps, not to exceed 24 hours per week.
16. **MITSU OVERSTREET**, instruct the "Drawing and Collage" and Drawing FUN-damentals for Adults" classes, not to exceed 24 hours per week.

17. **JANINE RUDNICK**, instruct the "Puppets, Masks & More" class, "Clay Creations" class, "Intro to Jewelry Making" class and "Jewelry Making Family Workshop, not to exceed 24 hours per week.
18. **ANNE D. STEWART**, instruct the "Deep in the Art of Texas" class, "Art Explorations" class, and "Family Workshops," not to exceed 24 hours per week.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement for Architectural Services by and between the **CITY OF EL PASO** and **MCCORMICK ARCHITECTURE, LLC**, for a project known as "**Shawver Pool Improvements**", in an amount not to exceed THIRTY-SEVEN THOUSAND NINE HUNDRED FIFTY AND NO/100 DOLLARS (\$37,950.00).

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement for Architectural Services by and between the **CITY OF EL PASO** and **CF ASSOCIATES, INC.**, for a project known as "**Nations Tobin and Pavo Real Recreation Center Re-roofing**", in an amount not to exceed THIRTY-FOUR THOUSAND SEVEN HUNDRED SEVENTY-SIX AND NO/100 DOLLARS (\$34,776.00).

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Second Amendment to Agreement for Architectural Services by and between the City of El Paso and Martinez & Johnson|Architecture, P.C. for the design of the interior of the Children's Theatre. The cost of the additional design services and subsequent related construction costs are to be paid for by the El Paso Community Foundation.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ROSY BUENNING**, to assist the Human Resources Department as a Civil Service Commission Recorder at an hourly rate of \$16.09 for 40 per week. The term of the contract shall be for the period of May 26, 2004 through November 25, 2004.

NOTE: Paragraph 3B of the contract was revised.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of **TOLL COLLECTION SUPERVISOR** is hereby revised as specified in the duties and responsibilities attached hereto. The Code will remain **1537**. The Grade shall be **GS 21**.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of **TOLL COLLECTION MANAGER** is hereby revised as specified in the duties and responsibilities attached hereto. The Code shall be **5258**. The Grade shall be **PM 77**.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Right-of-Entry Agreement with Gertrude Delk to permit personnel from the El Paso Museum of Archaeology at Wilderness Park to map and digitally record examples of rock art on premises owned by Ms. Delk in Grant County, New Mexico, for two days during the period May 31 to June 14, 2004.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

**ACOSTA SPORTS CENTER**

**DEPARTMENT ID: 51010215, ACCOUNT 502215**

1. **CONTRACTOR:** El Paso Umpires Association, Umpires/Scorekeepers  
**DATES:** May 27, 2004 through August 31, 2004  
**RATE PER CL:** \$62.00  
**MAXIMUM AMT:** \$3,720.00  
**CONTRACT:** **2003/2004-145**

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That in accordance with the Resolution of the City Council adopted October 17, 1989 pertaining to the entering into contracts for the disposal of forfeited property under the Code of Criminal Procedure, the Chief of Police is authorized to enter into an agreement with the District Attorney of the 34<sup>th</sup> Judicial District of Texas pertaining to the asset forfeiture proceedings concerning properties located at 6295 Alameda, 6315 Alameda and 6345 Alameda in El Paso, Texas.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to accept donations from various business, civic organizations and citizens of money, items to assist with the organization of the D.A.R.E. race/run on November 20, 2004; that the Chief of Police or his designee compile a list of all contributions; and that the City Council finds a public purpose in the distribution of items donated for the purpose of serving as door prizes and any donated refreshments to race participants and volunteers working the event that serves to raise funds for the Police Department's D.A.R.E. program.

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According to the real property records of the County of El Paso, Texas, Ida M. Poole, 11661 Norman Montion Drive, El Paso, Texas 79936, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owner, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTE: Delinquent taxes in the amount of \$9,401.72.

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\*Motion made, seconded and unanimously carried to authorize installation of guardrail at 7273 Barker Road. Cost \$657.02.

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\*Motion made, seconded and unanimously carried to authorize installation of guardrail at 8926 Ayeta Lane. Cost \$1,214.63.

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\*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #A152-999-0010-7100, \$1,350.63 per month installments on a balance of \$8,103.78 for 1999, 2000 & 2001 taxes; Jose A. Jr., & Zulema Marquez – 6209 Airport Rd.
- B. PID #G686-999-1050-8200, \$675.33 per month installments on a balance of \$4,051.98 for 1996 and 1997 taxes; Cesar E. Stark – 3530 Dyer.
- C. PID #M056-999-0070-5100, \$138.78 per month installments on a balance of \$2,498.04 for 2003 taxes; Luz Duran – 2729 Wheeling.
- D. PID #M488-999-0030-7900, \$848.45 per month installments on a balance of \$5,090.70 for 1996, 1997 & 1998 taxes; Martha Sylvia Navarro – 3103 Cypress.
- E. PID #M576-999-0060-4100, \$231.92 per month installments on a balance of \$2,783.04 for 2003 taxes; Jorge Rivas – 3711 Laguna.
- F. PID #'s S917-999-002J-7000 & S917-999-002J-7050, \$1,539.86 per month installments on a balance of \$9,239.16 for 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001 & 2002 taxes; Jose L. & Olga Robles – 4430 Vulcan.

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\*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Household Mortgage Services in the amount of \$3,733.42, overpayment of 2003 taxes.  
(PID #A642-999-0270-9936)
- B. First American Real Estate Tax Service in the amount of \$4,835.11 overpayment of 2003 taxes.  
(PID #C340-999-0200-0100)
- C. Washington Mutual in the amount of \$2,534.32, overpayment of 2002 taxes.  
(PID #C815-999-0040-0600)
- D. Washington Mutual in the amount of \$3,520.74, overpayment of 2003 taxes.  
(PID #H415-999-0080-1900)
- E. Land America in the amount of \$5,294.86, overpayment of 2003 taxes.  
(PID #H454-999-0080-0100)
- F. Lereta National City in the amount of \$27,720.41, overpayment of 2003 taxes.  
(PID #I900-999-0010-0950)
- G. Washington Mutual in the amount of \$2,605.19, overpayment of 2003 taxes.  
(PID #L213-000-0160-1100)
- H. Lone Star Title in the amount of \$2,307.11, overpayment of 2003 taxes.  
(PID #L721-999-0010-0900)

- I. First American Real Estate Tax Service in the amount of \$19,557.09, overpayment of 2003 taxes.  
(PID #L790-000-0010-0100)
- J. Chase Manhattan Mortgage Corp. in the amount of \$2,541.36, overpayment of 2003 taxes.  
(PID #M344-999-0070-3100)
- K. Jorge & Aime Serna in the amount of \$9,454.14, overpayment of 2003 taxes.  
(PID #M791-9999-0010-0500)
- L. Washington Mutual in the amount of \$2,636.85, overpayment of 2003 taxes.  
(PID #P605-999-0090-0200)
- M. National City c/o Land America in the amount of \$2,440.40, overpayment of 2002 taxes.  
(PID #P133-999-0190-5600)
- N. Circle K Stores, Inc. in the amount of \$6,525.41, overpayment of 2003 taxes.  
(PID #V893-999-1590-0700)
- O. Washington Mutual in the amount of \$2,341.23, overpayment of 2003 taxes.  
(PID #V893-999-5230-2800)
- P. Washington Mutual in the amount of \$2,324.57, overpayment of 2003 taxes.  
(PID #V897-999-0290-1300)
- Q. Washington Mutual in the amount of \$2,348.25, overpayment of 2002 taxes.  
(PID #V897-999-0520-3700)
- R. National City Mortgage in the amount of \$2,534.74, overpayment of 2002 taxes.  
(PID #W145-999-0300-0300)
- S. Washington Mutual in the amount of \$4,273.32, overpayment of 2002 taxes.  
(PID #W418-999-0040-0300)

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 \*Motion made, seconded and unanimously carried that the Director of Purchasing be authorized to issue sole source purchase orders as necessary to Zoll Medical Corporation. Zoll Medical Corporation is the sole source for designing, manufacturing and marketing of integrated line of proprietary non-invasive resuscitation devices, parts, accessories, and disposable electrodes including M series model Defibrillators/Monitors/Pacemakers. Contract period May 25, 2004 through May 24, 2005 and/or any extension thereof. Contract 2000-263.

Department: Fire Department  
 Funds available: 22010319-01101-503112  
 Funding source: Operating Account-Clinical & Medical Supplies  
 Total award: \$47,000.00 (estimated yearly)

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 \*Motion made, seconded and unanimously carried to award Bid No. 2004-144 Janitorial Services-Richard Burgess Library

Award to: The Eagle Janitorial Services  
 El Paso, TX  
 Item (s): 1  
 Amount: \$15,033.60 (year)

Department: Municipal Services, Maintenance Dept.  
 Funds available: 31010326-01101-502206  
 Funding source: Operating Account - Janitorial Maintenance Svcs Contract  
 Total award: \$45,100.80

Municipal Services Department and Purchasing recommend awards as indicated as this vendor has provided the Best Value Bid Procurement meeting specifications.

This is a thirty-six (36) month contract with no option to extend the term of this contract. Additionally, The Eagle Janitorial Services offers a 3% 20 days prompt payment discount.

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 Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to postpone until the Regular City Council Meeting scheduled for Wednesday, June 2, 2004 Bid No. 2004-169 Washing of Heavy Duty Equipment (Rebid). Representative Austin was not present for the vote.

Award to: Vendor #1 Blue Beacon International  
 El Paso, TX  
 Item (s): Group 1 All  
 Amount: \$125,000.00 (estimated year)

Vendor #2 A&E Truck & Car Wash Co.  
 El Paso, TX  
 Item (s): Group 2 All  
 Amount: \$50,000.00 (estimated year)

Department: Fleet Services  
 Funds available: 37370510-45202-503125  
 Funding source: Fleet Services-Inventory Sales - Equipment Outside Repairs  
 Total award: \$525,000.00

The Fleet Services Department and Purchasing Departments recommend award as indicated to the lowest responsive offers meeting specifications, from responsible parties.

This is a thirty-six (36) month contract with no option to extend the contract.

Representative Cobos asked questions of City staff members Mr. Jeff Belles, Director of Fleet Services, Mr. Byron Johnson, Director of Purchasing and Mr. Daryl Cole, Street Director.

Mr. Hector Escobar, owner of Horizon Truck Wash, provided to and expounded on document given to Council Members regarding the bid.

Representative Cook suggested that the City construct a heavy duty equipment wash facility.

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 \*Motion made, seconded and unanimously carried to postpone until the Regular City Council Meeting scheduled for Wednesday, June 2, 2004 budget transfer BT2004-737 PARKS AND RECREATION

This budget transfer recognizes actual revenues from Parkland Dedication fees and appropriates money to be used for parks construction within the same park zone as the development that generated the revenue. Parkland Dedication fees are paid by developers based upon City Ordinance.

Increase	\$ 300	to	51159242/P51800080916148/405072	Parkland Ded
Increase	\$ 300	to	51159242/P51800080916148/508004	Parkland Ded
Increase	\$ 36,800	to	51159242/P51800015916133/405072	Parkland Ded
Increase	\$ 36,800	to	51159242/P51800015916133/508004	Parkland Ded
Increase	\$ 3,000	to	51159242/P51800015916133/405072	Parkland Ded
Increase	\$ 3,000	to	51159242/P51800015916133/508004	Parkland Ded
Increase	\$ 93,300	to	51159242/P51800086416204/405072	Parkland Ded
Increase	\$ 93,300	to	51159242/P51800086416204/508004	Parkland Ded
Increase	\$ 1,800	to	51159242/P51800086516205/405072	Parkland Ded
Increase	\$ 1,800	to	51159242/P51800086516205/508004	Parkland Ded
Increase	\$ 42,340	to	51159242/P51800083616175/405072	Parkland Ded
Increase	\$ 42,340	to	51159242/P51800083616175/508004	Parkland Ded
Increase	\$ 3,000	to	51159242/P51800083616175/405072	Parkland Ded
Increase	\$ 3,000	to	51159242/P51800083616175/508004	Parkland Ded
Increase	\$3,181.20	to	51159242/P51800015416128/405072	Parkland Ded
Increase	\$3,181.20	to	51159242/P51800015416128/508004	Parkland Ded
Increase	\$1,800.00	to	51159242/P51800015316127/405072	Parkland Ded
Increase	\$1,800.00	to	51159242/P51800015316127/508004	Parkland Ded
Increase	\$1,200.00	to	51159242/P51800083616175/405072	Parkland Ded
Increase	\$1,200.00	to	51159242/P51800083616175/508004	Parkland Ded
Increase	\$ 5,793	to	51159242/P51800008216056/405072	Parkland Ded
Increase	\$ 5,793	to	51159242/P51800008216056/508004	Parkland Ded
Increase	\$ 27,300	to	51159242/P51800011316087/405072	Parkland Ded
Increase	\$ 27,300	to	51159242/P51800011316087/508004	Parkland Ded
Increase	\$ 300	to	51159242/P51800005016024/405072	Parkland Ded
Increase	\$ 300	to	51159242/P51800005016024/508004	Parkland Ded

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 \*Motion made, seconded and unanimously carried to approve budget transfer BT2004-758 OFFICE OF MANAGEMENT AND BUDGET

To set up Budget for the Mission Trails Farmer's Market.

Increase	\$23,340	to	51500051/50115/404004	GenAdmRev
Increase	\$ 6,400	to	51500051/50115/405065	MiscNonOp
Increase	\$ 1,000	to	51500051/50115/503102	Promo Sup
Increase	\$ 2,500	to	51500051/50115/502302	PrtShopAlloc
Increase	\$ 6,500	to	51500051/50115/507000	Interfd Trf
Increase	\$ 8,000	to	51500051/50115/502411	LeasesNOC
Increase	\$ 1,200	to	51500051/50115/504100	Electricity
Increase	\$ 540	to	51500051/50115/504002	Paging Servs
Increase	\$ 8,000	to	51500051/50115/508009	Furn&Fixtures
Increase	\$ 2,000	to	51500051/50115/502116	Promotional

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 \*Motion made, seconded and unanimously carried to approve the request of Jose R. Sanchez to block off Kyle St. between Comanche and Sue Hall St. on June 12, 2004 from 5:00 p.m. to 8:30 p.m. and June 13, 2004 from 8:00 a.m. to 8:30 p.m. for a block party (matachines). Approximately 100 persons will take part and 50 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Devices". PERMIT NO. 04-044 [Jose R. Sanchez/Carmen Sanchez]  
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1<sup>st</sup> Motion:

Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to reconsider to allow for public comment the introduction of an Ordinance amending Ordinance Numbers 009918, 010482, 010544, 011098, 011779, 012466 and 013481 which established and amended the Andy and Syd Cohen Stadium Lease between the City Of El Paso and the El Paso Diablos, Inc., which was subsequently assigned to El Paso Baseball Club, LLC, to revise the obligation to pay rent as set forth in said Lease.

Mr. Ray Gilbert, citizen, spoke in opposition to the Ordinance introduction.

2<sup>nd</sup> Motion:

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- 19A.** An Ordinance amending Ordinance Numbers 009918, 010482, 010544, 011098, 011779, 012466 and 013481 which established and amended the Andy and Syd Cohen Stadium Lease between the City Of El Paso and the El Paso Diablos, Inc., which was subsequently assigned to El Paso Baseball Club, LLC, to revise the obligation to pay rent as set forth in said Lease.

**PUBLIC HEARING WILL BE HELD ON JUNE 8, 2004 FOR ITEM 19A**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

1<sup>st</sup> Motion:

Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to delete the introduction of an Ordinance amending the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of The Plan for El Paso and its related documents as originally approved by the El Paso City Council in 1999, and as subsequently amended. (Riverbend Drive).

Representatives Austin and Escobar were not present for the vote.

Representative Cobos explained that the residents were opposed to extending Riverbend Drive to Sunland Park Drive and added that he would not support the Ordinance. He suggested the item be deleted until City Departments could provide him the information he had requested.

Mr. George G. Sarmiento, Director of Planning, Research and Development, provided explanation.

2<sup>nd</sup> Motion:

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to reconsider the introduction of an Ordinance amending the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of The Plan for El Paso and its related documents as originally approved by the El Paso City Council in 1999, and as subsequently amended. (Riverbend Drive).

3<sup>rd</sup> Motion:

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- 19B.** An Ordinance amending the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of The Plan for El Paso and its related documents as originally approved by the El Paso City Council in 1999, and as subsequently amended. (Riverbend Drive)

**PUBLIC HEARING WILL BE HELD ON JUNE 8, 2004 FOR ITEM 19B**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- 19C.** An Ordinance amending the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of The Plan for El Paso and its related documents as originally approved by the El Paso City Council in 1999, and as subsequently amended. (Billy the Kid Drive).

**PUBLIC HEARING WILL BE HELD ON JUNE 8, 2004 FOR ITEM 19C**

- 19D.** An Ordinance changing the zoning of a portion of Tract 1, Block 6, Christy Tract in Block 31, Ysleta Grant, El Paso, El Paso County, Texas (Schwabe Road) from R-F (Ranch-Farm) to R-3A (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON04-00049. Applicant/Representative: Adolfo & Rosa Lopez, 1135 Rio Vista, El Paso, TX 79927
- 19E.** An Ordinance changing the zoning of Lots 18, 19, 20, 21 and 22, Block 2, Bassett Commercial Complex Unit 1, El Paso, El Paso County, Texas (6400 Gateway East Blvd.) from A-O (Apartment-Office) to C-1 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON04-00051. Applicant: El Paso Board of Realtors/ Representative: Conde, Inc., 1790 Lee Trevino, Suite 400, El Paso, TX 79936
- 19F.** An Ordinance granting Special Permit No. ZON04-00023 to allow for a parking reduction for the property described as Lots 7 - 10, Block 266, Campbell Addition, El Paso, El Paso County, Texas, pursuant to Section 20.64.175 of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Pauline Shaheen / Representative: Mixer Engineering, Inc.; 6712 Mesa Grande Avenue, El Paso, TX 79912. **THIS IS AN APPEAL CASE.**
- 19G.** An Ordinance granting Special Permit No. ZON04-00024 to satisfy parking requirements for Parcel 1, described as Lots 7 - 10, Block 266, Campbell Addition, El Paso, El Paso County, Texas, by allowing off-site, off-street parking on the following parcels described as follows: Parcel 2, Lots 11 - 12, Block 266, Campbell Addition, El Paso, El Paso County, Texas; Parcel 3, a portion of Lot 18 and the West 60 feet of Lots 19 and 20, Block 266, Campbell Addition, El Paso, El Paso County, Texas; Parcel 4, the East 40 feet of Lot 1 and the South 15.5 feet of the East 40 feet of Lot 2, Block 266, Campbell Addition, El Paso, El Paso County, Texas; and Parcel 5, the South 13 feet of Lot 15 and all of Lot 16, Block 266, Campbell Addition, El Paso, El Paso County, Texas, pursuant to Sections 20.22.040 and 20.42.040 of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Pauline Shaheen / Representative: Mixer Engineering, Inc.; 6712 Mesa Grande Avenue, El Paso, TX 79912. **THIS IS AN APPEAL CASE.**

- 19H.** An Ordinance granting Special Permit No. ZON04-00047, to allow for a planned residential development on Tract 1C2, Block 9, Upper Valley Surveys, El Paso, El Paso County, Texas pursuant to Section 20.12.040 (Zoning) of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Ramon Garcia / Representative: Sergio I. Aguilar; 2704 Idalia Avenue, El Paso, TX 79930.
- 19I.** An Ordinance changing the zoning of Parcel 1: Lot 2 and a portion of Lot 1, Block 1, Las Flores Subdivision Unit 4, El Paso, El Paso County, Texas from P-C/sc (Planned Commercial District/special contract) to C-2/sc (Commercial/special contract); and Parcel 2: A portion of Lot 1, Block 1, Las Flores Subdivision Unit 4, El Paso, El Paso County, Texas from P-C/sc (Planned Commercial District/special contract) to C-3/sc (Commercial/special contract). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: BD & LW Properties, L.P. / Representative: Roe Engineering, L.C.; 601 N. Cotton Avenue, Suite 6, El Paso, TX 79902. ZON04-00050 **(District 7)**

**PUBLIC HEARING WILL BE HELD ON JUNE 15, 2004 FOR ITEMS 19D – 19I**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- ADDN 1.** An Ordinance Amending Title 9 (Health And Safety) To Readopt Chapter 9.04 (Solid Waste Management). The Penalty Being As Provided In Chapter 9.04.390 Of Chapter 9.04 Of The El Paso Municipal Code. [Solid Waste Management, Emma Acosta, (915) 621-6719]

**PUBLIC HEARING WILL BE HELD ON JUNE 8, 2004 FOR ITEM ADDN 1**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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\*Motion made, seconded and unanimously carried to postpone until the Regular City Council Meeting scheduled for Wednesday, June 2, 2004 the discussion and action on a resolution expressing the will of the El Paso City Council regarding "deregulation" of electric services in the City of El Paso.

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No action was taken on the staff briefing on landfill operational and management issues.

Mr. Jim Martinez, Chief Administrative Officer, gave a Powerpoint presentation (on file in the City Clerk's office) regarding the City's landfill operations and answered questions from and responded to comments made by the Council Members.

Representative Cook noted that weight scales would be implemented at the landfill accurately measuring the weight of waste.

Representative Cobos questioned the cost to the City to utilize the Camino Real landfill.

Mayor Joe Wardy responded \$292,000 per month.

Representative Austin suggested that the City utilize the Camino Real landfill rather than construct a landfill.

Mr. Martinez explained that he would request that a consultant provide an analysis regarding contracting the use of another landfill as opposed to constructing another landfill.

Representative Cushing questioned Mr. Martinez regarding utilizing revenue bonds.

Mr. Ray Gilbert, citizen, spoke in opposition to the City utilizing Solid Waste funds and rising Solid Waste fees for waste collection.

NOTE: This was the last item discussed after reconvening from executive session.

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No action was taken on the discussion and action on the use of City land as an economic development tool and the impact of the PSB's proposed amendment of the terms of the 1965 Memorandum of Policies Concurred in by the City Council and the Public Service Board (1965 memorandum).

Representative Power requested that the Council seriously consider the impact changing the 1965 Memorandum of Policies (MOP) between the City of El Paso and the Public Service Board might have. He noted that the purchase price of PSB land, as written in the MOP, was approximately \$50.00 per acre and suggested that the Council consider purchasing large tracts of land at the 1965 price - setting that land aside for economic development purposes.

Mayor Joe Wardy, Representatives Austin, Cushing, and Cook commented.

Mr. Ray Gilbert, citizen, proposed allowing the people of El Paso to vote on the dissolution of the PSB.

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**ORDINANCE 15785**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO THE CENTRAL BUSINESS ASSOCIATION OF EL PASO, INC., TO PERMIT TEMPORARY SIDEWALK VENDING FOR PARTICIPATING MERCHANTS WITHIN CERTAIN PUBLIC RIGHTS-OF-WAY IN DOWNTOWN EL PASO FROM MAY 26, 2004 THROUGH JULY 3, 2004.**

Representative Escobar questioned City staff regarding whether or not downtown merchants are creating hazardous conditions on sidewalks.

City staff members Mr. Raymond Bonilla, Building Permits & Inspections, and Ms. Patricia Adatao, Deputy CAO for Building and Planning Services, responded that improvements have been made since the first year.

Mr. Alonzo Flores, Director of Operations, El Paso Central Business Association, commented on improved downtown vendor sites and the coordinated efforts of the City, downtown merchants and the Central Business Association to maintain vendor sites. He answered questions from and responded to comments made by Representative Cook.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cobos, seconded by Representative Lozano, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:



AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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**ORDINANCE 15786**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON04-00040 TO SATISFY PARKING REQUIREMENTS FOR PARCEL 1, DESCRIBED AS LOT 8, BLOCK 2, SAHARA SUBDIVISION, EL PASO, EL PASO COUNTY, TEXAS (9930 DYER STREET), BY ALLOWING OFF-STREET PARKING ON PARCEL 2, DESCRIBED AS LOT 25 BLOCK 2, SAHARA SUBDIVISION (TAJ MAHAL STREET), PURSUANT TO SECTION 20.14.040, AND THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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**ORDINANCE 15787**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON04-00042, TO ALLOW FOR A CONVALESCENT HOME ON A PORTION OF LOTS 14 AND 15, BLOCK 46, PEBBLE HILLS SUBDIVISION, EL PASO, EL PASO COUNTY, TEXAS (3113 FORNEY LANE) PURSUANT TO SECTION 20.28.040, AND THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation, noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval and added that there was no opposition to the special permit.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Power, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power and Rojas  
NAYS: None Absent: None

Representatives Escobar and Cobos were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

\*Motion made, seconded and unanimously carried to postpone four (4) weeks an Ordinance changing the zoning of a portion of Tract 225, Sunrise Acres No. Two, El Paso, El Paso County, Texas (4650 Vulcan Drive) from R-4 (Residential) to A-M (Apartment-Mobile Home Park). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Martha P. Yee / Representative: Luis De La Cruz; 9013 Lait Drive, El Paso, TX 79925. ZON04-00045.

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**ORDINANCE 15788**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACTS 17C165, 17C166, 17C167, 17C168, BLOCK 79, SECTION 8, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (JOE BATTLE BOULEVARD NORTH VISTA DEL SOL DRIVE) FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval and added that there was no opposition to the zoning change request.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Escobar, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Cushing, Lozano, Cook, Escobar and Rojas  
NAYS: None Absent: None

Representatives Austin, Power and Cobos were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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**ORDINANCE 15789**

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF HAWTHORNE STREET OUT OF ALEXANDER ADDITION, AN UNRECORDED MAP IN THE CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Representatives Austin was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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## RESOLUTION

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the City Council in writing that he is of the opinion that the structures located on the property at 3303 Frutas Avenue, in El Paso, Texas, which property is more particularly described as follows:

Lots: The East 20 feet of Lot 2 and the West fifteen feet of Lot 3, Block 28, Supplemental Map No. 1 of East El Paso, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 1, Page 51, Plat Records of El Paso County, Texas

are dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Margarita Alvarez, 3544 East Glen Drive Apartment B, El Paso, Texas 79936, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on May 25<sup>th</sup>, 2004; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:

- a. That the structures located on said property are unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
- b. That the structures are not in substantial compliance with municipal ordinances regulating structural integrity and disposal of refuse; and
- c. The structure's certificate of occupancy is hereby revoked; and
- d. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structures cannot be repaired.

2. That the City Council hereby orders Owner to comply with the following requirements:

- a. That the Buildings be repaired or demolished within (90) days; and
- b. That the premises be cleaned of all weeds, trash and debris within (90) days, and maintained clean; and
- c. That the Owner of said Buildings is hereby ordered to comply with all requirements of the Resolution; and
- d. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
- e. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all weeds, trash, and debris; and

3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may demolish the Buildings and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and

4. That said Owner shall become personally liable for all costs incurred by City in connection with demolishing the Buildings and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with demolishing the Buildings and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
  - a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgagees or lienholders to restore the Buildings so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and read the Department's recommendations into the record. He answered questions from and responded to comments made by Representative Cobos.

Ms. Carmen Perez, attorney with Delgado, Acosta, Spencer, Linebarger, Heard & Perez LLP, noted that the delinquent taxes were \$4,111.73 and added the property owner was participating in the delinquent tax payment plan.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve the above Resolution.

## RESOLUTION

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the City Council in writing that he is of the opinion that the structures located on the property at 7657 Alameda Avenue Apartments #1, #2 & #4, in El Paso, Texas, which property is more particularly described as follows:

Tract: 4, Orndorff-Reynaud Subdivision #2

are dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Gonzalo and Tomasa De La Rosa, 9697 Omelveny Avenue, Pacoima, California 91331-4158, and Herbert De La Rosa, 1152 Morgan Marie Street, El Paso, Texas 79936, record Owners, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on May 25<sup>th</sup>, 2004; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:

- a. That the structures located on said property are unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
- b. That the structures are not in substantial compliance with municipal ordinances regulating structural integrity and disposal of refuse; and
- c. The structure's certificate of occupancy is hereby revoked; and
- d. Since the owners have failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structures cannot be repaired.

2. That the City Council hereby orders Owners to comply with the following requirements:

- a. That the Buildings be secured within (30) days; and
- b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
- c. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and
- d. The owners are advised that in order to obtain a new certificate of occupancy, the entire buildings and its service systems must be brought into compliance with the current codes.
- e. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Buildings and maintain the Buildings secure and clean the premises of all weeds, trash, and debris; and

3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may secure the Buildings and maintain the Buildings secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and

4. That said Owners shall become personally liable for all costs incurred by City in connection with securing and maintaining the Buildings secure and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with securing and maintaining the Buildings secure and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
  - a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
7. That upon failure of the Owners, any mortgagees or lienholders to restore the Buildings so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the department's recommendation(s).

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Lozano, seconded by Representative Cook and unanimously carried to approve the above Resolution.

Representatives Cushing and Cobos were not present for the vote.

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## RESOLUTION

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the City Council in writing that he is of the opinion that the structure located on the property at 3718 E. San Antonio Avenue, in El Paso, Texas, which property is more particularly described as follows:

Lots: 6 and 7, Save and Except a portion thereof, Block 23, W. B. Latta's Addition "Woodlawn", an Addition to the City of El Paso, El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Luisa H. Aguilar, 1010 E. Cliff Drive, El Paso, Texas 79902, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on May 25<sup>th</sup>, 2004; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:

- a. That the structure located on said property is unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
- b. That the structure is not in substantial compliance with municipal ordinances regulating structural integrity and disposal of refuse; and
- c. The structure's certificate of occupancy is hereby revoked; and
- d. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structure cannot be repaired.

2. That the City Council hereby orders Owner to comply with the following requirements:

- a. That the Building be demolished within (30) days; and
- b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
- c. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
- d. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
- e. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all weeds, trash, and debris; and

3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may demolish the Building and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and

4. That said Owner shall become personally liable for all costs incurred by City in connection with demolishing the Building and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with demolishing the Building and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
  - a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the department's recommendation(s).

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Lozano, seconded by Representative Cook and unanimously carried to approve the above Resolution.

.....



## RESOLUTION

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the City Council in writing that he is of the opinion that the structure located on the property at 11260 Montana Avenue in El Paso, Texas, which property is more particularly described as follows:

Tract: 11B, Block 80, Township 2, Section 36, T & P R. R. Company Surveys, an Addition to the City of El Paso, El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Bob Cass, P. O. Box 1697, Clint, Texas 79836, Betty Jean Cass Best, P. O. Box 1697, Clint, Texas 79836, June Cass Bourland, 6496 S. Teller Court, Littleton, Colorado 80123, RimFire Industries, P. O. Box 513, Clint, Texas 79836, record Owners, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on May 25<sup>th</sup>, 2004; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structure located on said property is unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structure is not in substantial compliance with municipal ordinances regulating structural integrity and disposal of refuse; and
  - c. The structure's certificate of occupancy is hereby revoked; and
  - d. Since the owners have failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structure cannot be repaired.
2. That the City Council hereby orders Owners to comply with the following requirements:
  - a. That the Building be demolished within (30) days; and
  - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
  - c. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and
  - d. The owners are advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
  - e. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may demolish the Building and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and

4. That said Owners shall become personally liable for all costs incurred by City in connection with demolishing the Building and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with demolishing the Building and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
  - a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
7. That upon failure of the Owners, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the department's recommendation(s).

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Power, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

## RESOLUTION

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the City Council in writing that he is of the opinion that the structures located on the property at 148-150 N. Brown Street, in El Paso, Texas, which property is more particularly described as follows:

Lots: S 75 Ft. of 1 to 3 & 75 Ft. of W 15 Ft. of 4, Block 32, Franklin Heights

are dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Carlos Escobedo, 10540 Kendall Street, El Paso, Texas 79924, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on May 25<sup>th</sup>, 2004; and

WHEREAS, CARLOS ESCOBEDO, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structures located on said property are unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structures are not in substantial compliance with municipal ordinances regulating structural integrity and disposal of refuse; and
  - c. The structure's certificate of occupancy is hereby revoked; and
  - d. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structure cannot be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
  - a. That the Buildings be demolished within (30) days; and
  - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
  - c. That the Owner of said Buildings is hereby ordered to comply with all requirements of the Resolution; and
  - d. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may demolish the Buildings and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with the demolition of the Buildings and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the demolition of the Buildings and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and

6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
  - a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgagees or lienholders to restore the Buildings so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the department's recommendation(s). He noted that three calls to the Fire Department (expenses incurred by the Fire Department to be in excess of \$20,000.00) and 27 calls to the Police Department were made to the property during the past couple of years and answered questions from and responded to comments made by the Representatives.

Mr. Carlos Escobedo, property owner, spoke in Spanish, interpretation by Ms. Diana Nuñez, Deputy City Clerk. He answered questions from and responded to comments made by the Representatives.

The City Clerk called for further public comment. There was no further public comment.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve the above Resolution.

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**ADDITION TO THE AGENDA**

**EMERGENCY ORDINANCE 15790**

The City Clerk read an Ordinance entitled: **AN EMERGENCY ORDINANCE PURSUANT TO SECTION 3.10 OF THE CHARTER OF THE CITY OF EL PASO AMENDING TITLE 9 (HEALTH AND SAFETY) TO READOPT CHAPTER 9.04 (SOLID WASTE MANAGEMENT). THE PENALTY BEING AS PROVIDED IN SECTION 9.04.390 OF CHAPTER 9.04 OF THE EL PASO MUNICIPAL CODE.**

Ms. Teresa Garcia, Assistant City Attorney, explained that as a point of procedure the Ordinance must be unanimously approved and requested that further discussion on the matter be held in Executive Session.

Mr. Ray Gilbert, citizen, questioned the reason for emergency ordinance.

Ms. Garcia responded that the emergency arose due to the discovery of a typographical error in the City's Municipal Code pursuant to Ordinance 014719 terminating Chapter 9.04 Solid Waste Management and provided further legal information.

Mr. Gilbert asserted that the typographical errors are emergency clauses.

Representatives Cobos and Cook made comments.

Ms. Lisa A. Elizondo, City Attorney, stated that discussion on violations and the extent of those violations should be discussed in Executive Session. She explained that the City was now taking the necessary corrective action regarding the error.

Mayor Joe Wardy explained that the portion of the Ordinance that had expired, due to the typographical error, affected the City's ability to issue fines and penalties.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cobos, seconded by Representative Lozano, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:	Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS:	None
Absent:	None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Item was moved into executive session.

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Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to delete the following executive session item:

Discussion and action regarding defense of claims alleged in Cause No: EP04CA0185 styled Nancy L. Hollebeke v. City of El Paso et al." (551.071)  
.....

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

- A. City Attorney's Office authorization to settle the City's subrogation interests. (551.071)
- B. City Attorney's Office authorization to settle lawsuits and claims filed by or against the City of El Paso. (551.071)
- C. Subrogation Claim Regarding Timothy G. Rogers. (551.071)
- D. Texas Commission on Environmental Quality (TCEQ) Air Quality Permit No. 20345 Renewal, TCEQ Docket No. 2004-0049-AIR (551.071)
- E. Public Hearing on an Emergency Ordinance Pursuant To Section 3.10 Of The Charter Of The City Of El Paso Amending Title 9 (Health And Safety) To Readopt Chapter 9.04 (Solid Waste Management). The Penalty Being As Provided In Section 9.04.390 Of Chapter 9.04 Of The El Paso Municipal Code. (551.071)

Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried that the City Attorney's Office be authorized to settle lawsuits and claims by reducing the City's subrogation interests up to the amount recommended by the City Attorney and be authorized to sign all necessary settlement documents on behalf of the City.

Representative Austin noted for the record, that the intent of the Motion was to broaden the previous Motion granting settlement caps for Worker's Compensation claims to include all other claims.

Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried that the City Attorney's Office be authorized to settle lawsuits and claims filed by or against the City of El Paso up to the amount recommended by the City Attorney and be authorized to sign all necessary settlement documents on behalf of the City.

Representative Austin noted for the record, that the Council was previously authorized to settle lawsuits regarding claims against the City, however, today's action expanded that authority to include lawsuits filed "by or against the City".

REGULAR COUNCIL MEETING – MAY 25, 2004

Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried that the City settle its subrogation claim in the matter of **TIMOTHY G. RODGERS**, as recommended by the City Attorney.

Representatives Power and Cobos were not present for the vote.

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Motion made by Representative Cook, seconded by Representative Cushing and carried for City Council to take no action regarding the following executive session item:

Texas Commission on Environmental Quality (TCEQ) Air Quality Permit No. 20345 Renewal, TCEQ Docket No. 2004-0049-AIR (551.071)

AYES:                   Representatives Austin, Cushing, Lozano, Cook, Power and Rojas  
NAYS:                 Representative Escobar  
NOT PRESENT:       Representatives Power and Cobos

Mr. Larry Johnson, Environmental Manager, ASARCO El Paso Plant, responded to questions of Representatives Austin and Cushing.


Representative Cook requested that the Council take no action.

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Motion duly made by Representative Cobos, seconded by Representative Lozano and unanimously carried that Emergency Ordinance 15790 be adopted.

See item and discussion on page 29.

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Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to adjourn this meeting at 1:21 p.m.  
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APPROVED AS TO CONTENT:

  
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Richarda Duffy Momsen, City Clerk